

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GREGG PFEIFFER,

Plaintiff,

-vs-

04-CV-155-JTC(M)

DAVID MAVRETIC and  
SYGMA NETWORK, INC.,

Defendants.

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The above-referenced case was referred to United States Magistrate Judge Jeremiah J. McCarthy to conduct pre-trial matters and to hear and report on dispositive motions, pursuant to Title 28 U.S.C. § 636(b)(1)(A), (B) and (C).

On July 20, 2007, Judge McCarthy filed a Report and Recommendation (Item 66) in which he recommended that defendants' motion for summary judgment be granted in part and denied in part. Specifically, Judge McCarthy recommended that the motion be granted to the extent it sought dismissal of plaintiff's claim for "serious injury" under the 90/180-day standard of N.Y. Insurance Law § 5102(d), and denied in all other respects.

Upon review of the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby ordered that, pursuant to 28 U.S.C. § 636(b)(1), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72.3(a) of the Local Rules of Civil Procedure for the Western District of New York, and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motion for summary judgment (Item 48) is granted in part and denied in part.

The case is recommitted to Judge McCarthy for further proceedings in accordance with the court's prior referral order.

So ordered.

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\s\ John T. Curtin  
JOHN T. CURTIN  
United States District Judge

Dated: September 24, 2007  
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